

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Notice of Non-Compliant Amendment mailed November 22, 2005. Claims 1-21 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-21 were originally presented. Claims 1-21 remain in the application. No claims have been canceled. Claims 1, 19, and 20 have been amended. Claims 22, 23, and 24 have been added.

Claim Rejections - 35 U.S.C. § 103

Claims 1-7, 9 and 11-16 (including independent claim 1) were rejected under 35 U.S.C. § 103 as being unpatentable over Lin (US 5,419,065) in view of Chou (US 4,875,028).

Independent claims 1, 19, and 20 were amended to include the limitation that the transparent housing is constructed of a Lucite polyacrylic material having a thickness sufficient to provide substantial strength. The triangular shape of the housing, combined with the thick Lucite material, provides a warning beacon having great strength and durability. (See specification page 3, lines 24-30). New claim 22 discloses a transparent housing having a thickness of at least ¼ inch. Enabling the housing to be constructed in a manner that provides great strength and durability allows the warning beacon to be used in heavy industrial areas, such as inside mining operations, coupled to heavy machinery, road construction, and the like. The thick Lucite housing allows the warning beacons to withstand the abrasive, harsh environment in which they were designed to be used. The triangular shape allows the impact of objects that fall onto the warning beacon to be minimized. The beacons can be struck by falling rock and debris, hit, kicked, knocked over, even run over by machinery without damaging the toughened housing. Thus, the thick Lucite housing in a triangular configuration provides added utility to customers purchasing the warning beacons by enabling the beacons to last longer in harsh operating environments.

The references cited by the Office Action, when combined, do not teach or suggest all of the elements of claims 1, 19, and 20. Specifically, the references do not teach or suggest a

warning beacon having a triangular shaped transparent housing that is constructed of a Lucite polyacrylic material having a thickness sufficient to provide substantial strength.

Rejection of the dependent claims 2-18 and 21 should be reconsidered and withdrawn for at least the reasons given above with respect to the independent claims. The dependent claims, being narrower in scope, are allowable for at least the reasons for which the independent claims are allowable.

Therefore, Applicant respectfully submits that claims 1-21 are allowable, and urges the Examiner to withdraw the rejection.

CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1-24 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Vaughn North at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

A copy of Check No. 23016 is enclosed pursuant to 37 C.F.R. § 1.17(a)(3), which was previously submitted to cover the amount of \$510 for a 3 month extension of time pursuant to 37 C.F.R. § 1.136. Three dependent claims were added (claims 22-24), while no claims were canceled. Therefore, an additional fee of \$75.00 is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 12th day of December, 2005.

Respectfully submitted,



Vaughn W. North
Registration No. 27,930

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633